

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 11-18, 21, 23, and 26 are presently active in this case, Claims 1-4, 11, 12, 14-16, and 26 having been amended by way of the present Amendment. Claims 5-10, 19, 20, 22, 24, and 25 have been canceled without prejudice or disclaimer. Pending Claims 13, 17, 18, 21, and 23 have been withdrawn from consideration. Care has been taken such that no new matter has been entered. Support for the amendments is present throughout the disclosure, for example, the portions of the specification describing the elected species, the drawings thereof, the claims, and the Abstract of the Disclosure.

With regard to the issue of obtaining priority, the Applicants note that a Request for Priority was filed with the present application, which indicated that the certified copies of the corresponding Convention Application(s) were filed in prior application Ser. No. 09/854,472.

In the outstanding Official Action, the abstract of the disclosure was objected to because of minor informalities. Accordingly, the Abstract of the Disclosure has been amended substantially as suggested in the Official Action. Accordingly, the Applicants request the withdrawal of the objection to the abstract.

Claim 11 was objected to for a minor informality. Claim 11 has been amended to remove the grammatical error. Accordingly, the Applicants request the withdrawal of the objection to Claim 11.

Claim 26 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Claim 26 has been amended to clarify the combination being claimed. The multiple dependent terminology used is indicated as being acceptable in MPEP 608.01(n). Accordingly, the Applicants request the withdrawal of the indefiniteness rejection.

Claims 1-3, 11-15, and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Bernier (U.S. Patent No. 4,004,536). Claims 4 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Bernier reference. For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Bernier reference is indicated as anticipating each of independent Claims 1, 11, and 12. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Bernier reference clearly does not meet each and every limitation of independent Claims 1, 11, and 12.

Claim 1 of the present application recites a motion reduction apparatus for a floating body floating on water, where the motion reduction apparatus comprises a plumb plate configured to be provided on at least a side of a floating main body and configured to be separated from the floating main body by a specific distance and configured to extend beyond a lowermost bottom surface of the floating main body substantially in a vertical orientation. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiments of Figures 6-8 in the Bernier reference for the teaching of the invention recited in Claim 1 of the present application. The Applicants note that the vanes (119, 229) in these embodiments do not extend beyond a lowermost bottom surface of the hull bottom (105). As is evident when a line is drawn between the lower edge of the opposing vanes (119, 229), the lower edges of the vanes clearly do not extend beyond the bottom of the hull. Additionally, the other embodiments of the Bernier reference do not disclose all of the limitations recited in Claim 1.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 1 of the present application based on the Bernier reference.

Claim 11 of the present application advantageously recites a motion reduction apparatus for a floating body floating on water, where the motion reduction apparatus comprises a water surface plate configured to be provided on a side section of a floating main body having an orthorhombic shape and configured to extend within a plane substantially parallel to a water surface. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiments of Figures 6-8 in the Bernier reference for the teaching of the invention recited in Claim 11 of the present application. The Applicants note that the vanes (119, 229) in these embodiments are not configured to extend within a plane substantially parallel to a water surface. In fact, the vanes are provided at sharp angles to the water surface in order to provide turning ability to the boat as it is traveling quickly through turns. Additionally, the other embodiments of the Bernier reference do not disclose all of the limitations recited in Claim 11.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 11 of the present application based on the Bernier reference.

Claim 12 of the present application advantageously recites a motion reduction apparatus for a floating body floating on water, where the motion reduction apparatus comprises a plate member configured to be provided on a side of a floating main body disposed in such a way that an edge section of the plate member proximal to the floating main body is separated from the floating main body by a specific distance, wherein an upper edge of the plate member is configured to be oriented at substantially a same level as a lowermost bottom surface of the floating main body. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiment of Figure 8 in the Bernier reference for the teaching of the invention recited in Claim 12 of the present application. The Applicants note that the vanes (229) are not provided with an upper edge that is configured to be oriented at substantially a same level as a lowermost bottom surface of the hull bottom (105). The upper edges of the vanes (229) are clearly well above the hull bottom. Additionally, the other embodiments of the Bernier reference do not disclose all of the limitations recited in Claim 12.

Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 12 of the present application based on the Bernier reference.

The dependent claims are considered allowable for the reasons advanced for the independent claim from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor

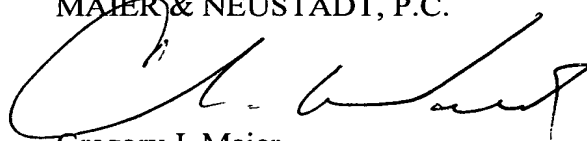
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suggested by the applied references when those features are considered within the context of their respectively independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'G. Maier', written over the printed name of Gregory J. Maier.

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